

Serial No. 09/922,783
Amendment dated August 2, 2005
Reply to Office Action of April 4, 2005

Docket No. HI-0037

REMARKS/ARGUMENTS

Claims 1-23 are pending in this application. By this Amendment, claims 1 and 15 are amended for clarification purposes only. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal if necessary. Entry is thus requested.

The Examiner is thanked for the courtesies extended to Applicant's representative during the personal interview conducted June 7, 2005. The substance of the Interview, including any agreements reached, is reflected in the follow remarks.

I. Rejection Under 35 U.S.C. §102(e)

The Office action rejects claims 15-19 and 22 under 35 U.S.C. §102(e) over U.S. Patent No. 6,151,486 to Holshouser et al. (hereinafter "Holshouser"). The rejection is respectfully traversed.

Independent claim 15 recites, *inter alia*, rotating said flip cover from said open position to a predetermined angle relative to the body by energizing an electromagnet. As discussed during the personal interview, Holshouser neither discloses nor suggests such features, or the claimed combination.

More specifically, as discussed during the personal interview, Holshouser discloses in Figures 3A-3B a telephone 50 including a main body 52 and a flip cover 54 rotatably coupled by a hinge assembly 55, with first and second magnets 60a and 60b, respectively, provided in the body 52 and the flip cover 54, respectively. The cover 54 is held in a closed position relative to the body 52 through a magnetic attraction between the magnets 60a and 60b. To open the cover 54, a conductive coil 62 is energized to reduce the attraction between the magnets 60a and 60b and allow the biasing force of a spring 56 to urge the cover 54 open. Energizing the coil 62 simply allows the biasing force to overcome the attraction between the magnets 60a and 60b. Holshouser neither discloses nor suggests that energizing the coil 62 causes the cover 54 to move, let alone to move to a predetermined angle relative to the body, as recited in independent claim 15.

Additionally, with respect to the Examiner's reference to column 8, lines 62-67 of Holshouser, Applicant respectfully submits that the relative difference in flux may cause the cover 54 to be opened more quickly, or accelerated to an open position, by further facilitating the spring's 56 ability to overcome the attractive forces. However, Holshouser neither discloses

nor suggests that this causes the cover to open to a predetermined angle relative to the body, as recited in independent claim 15.

For at least these reasons, it is respectfully submitted that independent claim 15 is not anticipated by Holshouser, and thus the rejection of independent claim 15 under 35 U.S.C. §102(e) over Holshouser should be withdrawn. Dependent claims 16-19 are allowable at least for the reasons set forth above with respect to independent claim 15, from which they depend, as well as for their added features.

Independent claim 22 recites, *inter alia*, wherein said permanent magnet is configured to be repelled by said electromagnet when said electromagnet is energized. As discussed during the personal interview and as set forth above, Holshouser neither discloses nor suggests such features. More specifically, Holshouser simply discloses that the attractive force between the magnets 60a and 60b (which is used to keep the flip cover 54 closed) is reduced by energizing the coil 62, but not that there is at any time any repulsive force between the magnets 60a and 60b, nor that any such repulsive force would cause the cover 54 to rotate. Further, as set forth above, any “acceleration” of the cover due to a relative difference in magnetic flux simply causes the cover to be opened more quickly/easily, and is not indicative of the presence of any repulsive force.

Accordingly, it is respectfully submitted that independent claim 22 is not anticipated by Holshouser, and thus the rejection of independent claim 22 under 35 U.S.C. §102(e) over

Holshouser should be withdrawn.

II. Rejection(s) Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-6, 8-10, 12-13, and 20-21 under 35 U.S.C. §103(a) over Figures 1-2 of the present application in view of Holshouser. It appears, based on the Examiner's comments, that it was also the Examiner's intention to reject claim 23 under 35 U.S.C. §103(a) over Figures 1-2 of the present application in view of Holshouser. The rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, at least one electromagnet provided at one side of the body and configured to apply electromagnetic force toward the flip cover which urges the flip cover towards an open position. Independent claim 8 recites, *inter alia*, wherein said permanent magnet is configured to be repelled by said electromagnet when said electromagnet is energized, and independent claim 20 recites, *inter alia*, wherein said permanent magnet is configured to be repelled by said electromagnet when said electromagnet is energized. As acknowledged by the Examiner in the remarks regarding independent claims 1, 8, and 20, Figures 1-2 of the present application neither disclose nor suggest such features. Further, as discussed during the personal interview and as set forth above, Holshouser fails to overcome the deficiencies of Figures 1-2 of the present application.

More specifically, with respect to independent claim 1, any movement of the cover 54

once the attraction between the magnets 60a and 60b is sufficiently reduced is due to the biasing force of the spring 56, and Holshouser neither discloses nor suggests any movement of the cover 54 in response to energizing the coil 62, let alone that an electromagnetic force directed toward the cover urges the cover toward an open position, as recited in independent claim 1.

Further, with respect to independent claims 8 and 20, again, as discussed during the personal interview and set forth above, Holshouser neither discloses nor suggests any type of repulsive force between the magnets 60a and 60b. Thus, Holshouser necessarily neither discloses nor suggests a permanent magnet configured to be repelled by an electromagnet when the electromagnet is energized, as recited in independent claims 8 and 20.

Accordingly, it is respectfully submitted that independent claims 1, 8, and 20 are allowable over the applied combination, and thus the rejection of independent claims 1, 8, and 20 under 35 U.S.C. §103(a) over Figures 1-2 of the present application in view of Holshouser should be withdrawn. Dependent claims 2-6, 9-10, 12-13, 21, and 23 are allowable at least for the reasons set forth above with respect to independent claims 1, 8, and 20, from which they respectively depend, as well as for their added features.

The Office Action rejects claims 7 and 14 under 35 U.S.C. §103(a) over Holshouser in view of U.S. Patent No. 6,091,938 to Go. The rejection is respectfully traversed.

Dependent claims 7 and 14 are allowable over Holshouser at least for the reasons set forth above with respect to independent claims 1 and 8, from which they respectively depend, as

well as for their added features. Further, Go is merely cited to teach a coil spring, and thus fails to overcome the deficiencies of Holshouser. Accordingly, it is respectfully submitted that claims 7 and 14 are allowable over the applied combination, and thus the rejection of claims 7 and 14 under 35 U.S.C. §103(a) over Holshouser and Go should be withdrawn.

The Office Action rejects claim 11 under 35 U.S.C. §103(a) over Holshouser in view of U.S. Patent No. 4,845,772 to Metroka et al. (hereinafter "Metroka"). The rejection is respectfully traversed.

Dependent claim 11 is allowable over Holshouser at least for the reasons set forth above with respect to independent claim 8, from which it depends, as well as for its added features. Further, Metroka is merely cited to teach a momentary switch, and thus fails to overcome the deficiencies of Holshouser. Accordingly, it is respectfully submitted that claim 11 is allowable over the applied combination, and thus the rejection of claim 11 under 35 U.S.C. §103(a) over Holshouser and Metroka should be withdrawn.

III. Conclusion

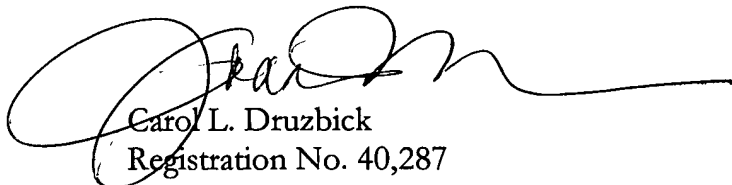
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, JOANNA K. MASON, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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